

UNCLE SAM AND JOHN BULL NOT IN ACCORD OVER CHINA.

LONDON, August 31.—The afternoon papers today appear to be perplexed at the American-Russian accord to secure the prompt evacuation of Peking. They point out how completely this upsets preconceived notions of the grouping of the powers on the Chinese question, and the consensus of London's editorial opinion is that the proposals are antagonistic to British interests, and that the allies should remain in Peking until the Chinese government is re-established and the ringleaders of the present uprising are punished. The Globe seizes the opportunity to indulge in unfriendly criticism, accusing the United States of breaking the concert of the powers and playing into the hands of Russia against Great Britain by supporting the suggestion of the employment of Li Hung Chang, who, the paper declares, is now seriously hostile to Great Britain and friendly to Russia. The Globe urges that the government oppose to the uttermost the idea of the evacuation of Peking, in which course, the paper adds, it will be supported by Emperor William of Germany.

FRANK DECLARATION OF OUR CHINESE POLICY MADE.

RESPONSE TO RUSSIA'S PROPOSAL.

The Attitude of This Country Defined.

American Troops to be Withdrawn From Peking.

WASHINGTON, Aug. 31.—The State Department has just made public the text of the Russian proposal and its own response, as follows:

Department of State, Washington, August 29, 1900.

The Russian Charge yesterday afternoon made to me an oral statement respecting Russia's purposes in China, to the following effect:

That as already repeatedly declared, Russia has no designs of territorial acquisition in China; that equally with other powers now operating there, Russia has sought the safety of the legations in Peking and to help the Chinese government to repress the troubles; that, incidentally to necessary defensive measures on the Russian border, Russia has occupied New Chang for military purposes, and as soon as order is re-established will retire troops therefrom; that action of other powers be no obstacle thereto. That the purpose for which the various governments have co-operated for release of legations in Peking has been accomplished. That, taking the position that as the Chinese government has left Peking there is no need for her representative to remain, Russia has directed the Russian Minister to retire with his official personnel from China. That the Russian troops will likewise be withdrawn. And that when the government of China shall regain the reins of government and afford an authority with which the other powers can deal, and will express a desire to enter into negotiations, the Russian government will also name its representative. Holding these views and purposes, Russia expresses hope that the United States will share the same opinion.

To this declaration our reply has been made by the following memorandum:

"The Government of the United States receives with much satisfaction the reiterated statement that Russia has no designs of territorial acquisition in China, and that equally with the other powers now operating in China, Russia has sought the safety of her legation in Peking and to help the Chinese government to repress the existing troubles. The same purposes have moved and will continue to control the Government of the United States, and the frank declaration of Russia in this regard is in accord with those made to the United States by the other powers. All the powers, therefore, having disclaimed any purpose to acquire any part of China, and now that adherence thereto has been renewed since relief has reached Peking, it ought not to be difficult by concurrent action through negotiations to reach an amicable settlement with China by which the treaty rights of all the powers will be secured for the future, the open door assured, the interests and property of foreign citizens conserved and full reparation made for wrongs and injuries suffered by them.

"So far as we are advised, the greater part of China is at peace and earnestly desires to protect the life and property of all foreigners, and in several of the provinces active and successful efforts to suppress the Boxers have been taken by Viceroy, to whom we have extended encouragement through our Consuls and naval officers.

"As to the time and manner of withdrawal, we think that in view of the imperfect knowledge of the military situation resulting from the interruption of telegraphic communication, the several military commanders at Peking should be instructed to confer and agree together upon the withdrawal as a concerted movement, as they agreed upon the advance."—Extract from Acting Secretary of State Adee's letter to the Russian government.

"The present good relations should be promoted for the peace of China. While we agree that the immediate object for which the military forces of the powers have been co-operating, viz., the relief of the Ministers at Peking, has been accomplished, there still remains the other purposes which all the powers have in common, which are referred to in the communication to the Russian Charge, and which were specifically enumerated in our note to the powers of July 2d.

Those are: To afford all possible protection everywhere in China to foreign life and property, to guard and protect all legitimate foreign interests, to aid in preventing the spread of disorders to other provinces of the Empire, and the recurrence of such disorders, and to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed by treaty and international law to friendly powers and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.

"In our opinion these purposes could best be attained by the joint occupation of Peking under a definite understanding of telegraphic communication, the several military commanders at Peking should be instructed to confer and agree together upon the withdrawal as a concerted movement, as they agreed upon the advance.

"As to the time and manner of withdrawal, we think that in view of the imperfect knowledge of the military situation resulting from the interruptions of telegraphic communication, the several military commanders at Peking should be instructed to confer and agree together upon the withdrawal as a concerted movement, as they agreed upon the advance.

"The result of these considerations is that until there is such general expression by the powers for a continued occupation as to modify the views expressed by the government of Russia and lead to a general agreement for continued occupation, we shall give instructions to the commander of the American forces in China to withdraw our troops from Peking after due conference with the other commanders as to the time and manner of withdrawal.

"The Government of the United States is much gratified by the assurance given by Russia that the occupation of New Chang is for military purposes incidental to the military steps for the security of the Russian border provinces menaced by the Chinese, and that as soon as order shall be re-established Russia will retire her troops from those places if the action of the other powers be not an obstacle thereto.

"No obstacle in this demand can arise through any action of the United States, whose policy is fixed and has been repeatedly proclaimed.

"ALVEY A. ADEE, Acting Secretary.

"Department of State, Washington, August 29, 1900."

OPEN LETTER FROM JUDGE HENSHAW

Copy Sent to the Times and Enquirer.

Oakland, Cal., Aug. 31, 1900.

Editor Tribune: I have sent the following letter to the Times and Enquirer. Very truly yours,

F. W. HENSHAW.

Oakland, Cal., August 31, 1900.

Editor Times: In your issue of August 30th you give conspicuous prominence to the fact that I extracted fees from Mr. Philbrook when he subpoenaed me to attend as a witness in the matter of the guardianship of the Merritt minors. Perhaps the reasons and circumstances actuating me may prove of equal interest to your readers.

When subpoenaed I was conscious of knowing nothing about any of the questions or matters involved. I thought then and still think that it was done solely to annoy and disturb the business of the court of which I was a member, which court was then and is now in session, and to which court Mr. Philbrook's hostility is known. Therefore I exacted the witness fee. I carried the money in my hand and gave it immediately to the court bailiff, explaining the matter to him and instructing him to give the two dollars to some deserving poor person or to some worthy charity. He has since informed me that he did so.

Truly Yours,

F. W. HENSHAW.

ROBBERS GOT NO GOVERNMENT COIN

Associated Press Dispatches by The Tribune's Special Leased Wire. WASHINGTON, Aug. 31.—The Government has lost no funds through the reported hold-up on the Union Pacific in Wyoming, Wednesday. Confidential inquiry at the War Department shows that no funds were in transit to the troops in Manila. Nor were any of the staff bureaus at the War Department sending any money on that train to the Philippines or to China. It is said at the War Department that if the Department had been sending money in this way it would not be the loser in case of robbery, for the express company assumes the responsibility for the safe transfer of the money and the loss would fall upon them.

FIGHT FOR PROPERTY OF HEATON.

Those After the Coin Begin to Line Up.

Daughter Who Will Claim the Estate Has Been Located.

The fight for the estate of the late Warren Heaton is now fairly on. Charles W. Palm, the nephew, to whom was granted special letters of administration, arrived from Los Angeles this morning on the Owl train prepared to wage war on all who lay claim to the dead capitalist's property and to attack the deeds by which Heaton conveyed away the bulk of his fortune more than a year ago.

Palm filed a bond in the sum of \$25,000, as special administrator, with the Fidelity and Deposit Company of Maryland as surety. His letters were then issued to him, and accompanied by his attorney, Henry C. McKee, he went forth from the court-house to locate the property which he claims should be included in his late uncle's estate.

Mr. McKee declined to go into the details of the case or to state what his next move would be.

"THE TRIBUNE printed last night all there is to the story, and it is really nothing to add," said Mr. McKee. "Of course, our future action will depend in a great measure upon the moves the other claimants may make."

Miss Jennie Heaton, who claims to be the late Warren Heaton's daughter, and whose strange introduction into his family was told in yesterday's TRIBUNE, is now residing at Gridley, Butte county, with Mrs. A. Brown, sister of the first Mrs. Heaton, where she went when Mrs. Heaton No. 2 made it impossible for her to remain in the Oakland home of her alleged father.

The parties to whom Heaton deeded his property a year ago are Mary, Cordelia Heaton, daughter of his cousin, Warren Heaton, and a teacher in the Oakland public schools, Miss Nellie Leach, a niece, residing in the East; Mrs. Lulu Annette Leete, a stepdaughter and wife of William M. Leete, a mining engineer.

A peculiar feature of the promised litigation is the fact that in order to set aside the deeds and make the estate worth fighting for, Palm and Jennie Heaton, the alleged daughter, will practically have to join issues against those to whom the property was transferred. When this end of the litigation is disposed of, Palm and Miss Heaton may fight it out between them.

The deeds will be attacked on the ground that there never was any delivery of the property.

Miss Heaton is expected in Oakland in a few days, when she and her attorney will prepare their plan of action. She will have the support of Warren Heaton, cousin of the deceased, who was the dead capitalist's confidential advisor.

PERU'S CABINET. CRISIS IS ENDED.

Associated Press Dispatches by The Tribune's Special Leased Wire. LIMA, Peru, via Constantinople, Aug. 31.—The cabinet crisis is ended. President Romana has appointed the following Ministers: President of the Cabinet and Minister of Home Affairs, Senor Enrique Coronel Zegarras; Minister of Foreign Affairs, Senor Felipe Ferber; Minister of Finance, Senor Jose V. Larrauri; Minister of Justice, Senor Pedro C. Olmedo; Minister of Public Works, Dr. Miguel A. Rojas; Minister of War, Colonel Pedro A. De Caceres.

Secretary Hay's Condition.

Associated Press Dispatches by The Tribune's Special Leased Wire. CONCORD, N. H., Aug. 31.—Secretary Hay, who has been in poor health and who is recuperating at Lake Sunapee, continues to improve. One week ago he was feeling quite ill, and since then he has been in bed part of the time. He is able to get up again, and his physician states that there is no cause for apprehension concerning him.

INVESTIGATING PLAGUE OUTBREAK

All Glasgow Vessels Are to Be Quarantined at Our Ports.

WASHINGTON, Aug. 31.—The following cablegram was received today by the Marine Hospital Service:

"GLASGOW, Aug. 31.—The local Board of Health declares Glasgow infected with plague. Eleven cases and one suspicious case in the hospital today.

"(Signed) THOMAS."

GLASGOW, Aug. 31.—Past Assistant Surgeon Thomas of the United States Marine Service, who is in this city, will investigate the bubonic plague outbreak here, and take the necessary precautions in regard to out-bound vessels, although he has not yet received instructions from Washington regarding the imposition of quarantine on Glasgow vessels arriving at American ports.

There has been no increase in the number of cases of the plague in this city, and no undue alarm as to the spread of the disease is felt. The authorities are acting with promptitude and are confident of confining the outbreak within the present scope.

NEW YORK, Aug. 31.—Dr. A. B. Doty, Health Officer of the Port of New York, said today that hereafter all vessels from Glasgow to this port would be detained at quarantine for a period of twelve days from their embarkation.

"This length of time," said Dr. Doty, "is the maximum period of incubation. As there are only two passenger lines plying between this port and Glasgow, the work will be simplified. This disinfection will depend largely upon the character of the passengers. Most of them merely go to Glasgow for the purpose of embarking. They hurry through the city and are little exposed to the plague."

EASTERN MAN TO SUCCEED HUNTINGTON

Not Connected With Road Now.

Associated Press Dispatches by The Tribune's Special Leased Wire. NEW YORK, Aug. 31.—The Mail and Express contains the following today:

It was said in Wall street today that the presidency of the Southern Pacific Railway would be offered to President M. E. Ingalls of the Big Four road, who is a Vanderbilt ally. No one could be found who would positively confirm or deny the Ingalls rumor, but it was declared with some show of authority that neither H. E. Huntington nor Mr. Tweed would succeed the late C. P. Huntington. These two, however, are provided for in the latest deal reported. Each is to retain his present position—Mr. Huntington as first vice-president and active manager in the West, and Mr. Tweed as second vice-president and confidential attorney in this city.

The selection of Mr. Ingalls will be another move in line with the alleged Vanderbilt plan to weave all the railroads of America into one vast system under a single head.

The interests that are bringing the name of Mr. Ingalls to the front control a majority of the stock and could have deposed C. P. Huntington at any time during the last few years, but they believed he had earned the position he held and declined to humiliate him.

But he insisted upon putting all the profits into improvements and those who did not, like him, have an abundance of other stocks that were dividend producing were nettled at this lack of income from their investments in the stock of the road, where value became purely speculative. Now it is said new blood is to be infused into the management through Mr. Ingalls.

A reporter of the Associated Press questioned C. H. Tweed, who was Mr. Huntington's confidential adviser, as to the various stories concerning the Southern Pacific's presidency.

"The directors will not meet until next week," said Mr. Tweed, "and while several names have been informally mentioned, I think I am safe in saying

VICTORY FOR MASCULINE SHIRT WAIST

Decision in Its Favor By a Railroad.

Associated Press Dispatches by The Tribune's Special Leased Wire. KNOXVILLE, Tenn., Aug. 31.—A woman passenger on a Southern Railway train having complained that a man wore a shirt waist without a coat in a ladies' coach, the matter was referred to the legal department of the road, and it has submitted an opinion that "so long as a man is decently dressed, whether he has on his coat or not, his appearance cannot be offensive to any sensible person."

YELLOW FEVER SUSPECT ARRIVES

Associated Press Dispatches by The Tribune's Special Leased Wire. NEW YORK, Aug. 31.—Ignacio Garcia, aged 23, a steerage passenger on the Leon XIII, which arrived this morning from Havana, was removed to Swinburne Island for treatment and observation. Dr. Doty, Health Officer of the port, says Garcia shows symptoms indicating yellow fever. The steamer and 21 passengers are held at quarantine for disinfection and will serve out the balance of the quarantine period of five days. None of the immune passengers were permitted to land.

ACCURACY
Is the keynote to our success.
ACCURATE lens grinding (on premises)
ACCURATE frame adjustments
Next reviews our specialty.
We carry the largest stock of Optical Goods in the city. Opera, Spy and Field Glasses, Magnifiers, Reading Glasses, Compasses, Barometers, etc.
FA BERTETTA
Scientific and Manufacturing Optician.
456 Thirteenth Street, Oakland
San Francisco, 115 Grant Avenue
Sacramento, 150 E. Street
Stockton, 115 East Main Street

PHILBROOK'S SANITY IN QUESTION.

Efforts to Prove He is of Sound Mind.

Calls Witnesses to Show That He Is Mentally All Right.

This morning proceeding opened in the matter of the guardianship of the Merritt children with more show of expedition than had hitherto characterized the progress of the case. Philbrook was badly disfigured in the ring. The continued procession of witnesses who contradicted every material allegation of the disbarred attorney evidently had a depressing effect on the petitioner. Judge Sweeney's rebuke of yesterday had also visibly impressed the would-be ruler of the Merritt property.

The testimony of Ex-Supreme Justice Paterson as to Philbrook's erratic character and his disposition to charge with fraud everybody who disagreed with him was a feature of yesterday's proceedings. The firm of Rogers, Paterson & Black were the attorneys of record in the contest instituted by James P. Merritt to break the trust formed under Mrs. Garcelon's will. This is the case that Philbrook charged Read & Nusbaum with conspiring to betray. Judge Paterson completely vindicated them from any irregular or dishonorable conduct. On the contrary, he said they were loyal and faithful, and characterized Philbrook's charges as "nonsense."

The testimony of George N. Williams was clear and explicit, and gave in minute particulars all the details of the proceedings relating to the dissolution of the Knowles trust, and the negotiations leading thereto. He corroborated Judge Nusbaum, Myron T. Dunsbury, H. P. Merritt, and every other important witness in the case.

HEADWAY AGAINST HIMSELF.

As these witnesses were called by Philbrook himself, it will be seen that the disbarred attorney is making great headway in disproving his own charges.

George W. Reed and W. F. Bosley testified briefly as to their connection with the Merritt matter. They corroborated the statements of the other witnesses.

Dr. John A. Miller of San Francisco was

(Continued on Page 2.)

DO NOT WASTE YOUR MONEY

buying poor wines. Get only the best. Those we sell we know to be pure. We consider our wines as nearly perfect in purity and flavor as possible to make. They are aged by time and guaranteed in all respects. You can sample them before buying.

Charles McArthur & Co.
470 8th St., near Broadway
Vineyard at Fresno—one of the largest in the world—over 200 acres under cultivation.
Telephone Red 3669

A BARGAIN. \$2250

New modern cottage 5 rooms, bath, high basement.
On MARKET NEAR 33rd LOT 31x116
WILLIAM J. DINCCE
903 BROADWAY, OAKLAND

**Free Delivery in
Oakland, Alameda,
Berkeley,
San Francisco**

The Face House

THE H. C. CAPWELL CO.
Cor. Twelfth and Washington Streets, Oakland.

Nineteen Golden Letters

—one on each of nineteen windows, each of which is a picture that it is both pleasurable and profitable to inspect. This display represents nineteen departments of our store. Each article has its price clearly marked, and we cordially invite you to walk around our corner. Here is what these windows now present. Windows "A" to "E" being on Washington street, "F" to "S" being on Twelfth street.

A—Warm Winter Wrappers and Dressing Sacques, fleeced-lined and comfortable.

B—Neat-Fitting Waists for autumn and winter. New patterns; all sizes and prices.

C—Many pretty samples of Ladies' Dainty Underwear.

D—Varied display of Corsets, Bustles and Waists.

E—Gloves of all shades to fit all hands. Plain and pretty Parasols.

F—Splendid Silk Waists at prices that will surely send them flying. If you intend to get a Silk Waist before the next three months this is your chance.

G—Plain and Fancy Hosiery; attractive array of patterns and colors.

H—Fine selection of new winter Flannelettes and Flannels.

I—Choice selection of Art Denims and attractive Silkblines.

J—Pillow Cases all ready for use; sheets, spreads and blankets for all sizes of beds.

K—Winter Underskirts—that useful kind—in many shades; some quilted. Warm flannel petticoats.

L—Array of Leather Goods; valises, grips, purses, belts, combination pocket books and suit cases.

M—Exhibition of pretty patterns in those dark fall and winter Percales. Some splendid values.

N—Snowy display of Ladies' Plain and Fancy White Aprons.

O—Selection of the latest Flannelettes. A number of new patterns suggesting ease, warmth and coziness.

P—Pretty Portieres and that economical Art Carpet that gives a handsome appearance at small cost.

Q—Those light shades of Percale that are marked at prices to insure their going quickly.

R—Towels are the topic of this window—all kinds of towels, but only one kind of price—the right price.

S—The last picture—a display of Comforters of many qualities and prices, but all good.

Once again the hammers and axes of the carpenters are heard in the store. They are preparing for the opening in a few days of our Cloak and Suit Department. We expect by the middle of next week to be able to inform you of all that you can expect to find in this department, which will be kept thoroughly up-to-date and will be in charge of people who are experts in their special line.

THE COMMITTEES OF THE COUNCIL.

Meeting to Dispose of Some of the City's Accumulated Business.

Several measures of importance that have been pending for some time occupied the time of the standing committees of the City Council last night, and in general some definite action was taken, either a recommendation or denial.

Consideration of the fearful and wonderful condition of the vehicle that Street Superintendent Ott calls his buggy, and the resolution authorizing the Board of Public Works to take it away from him and replace it with a new one to cost not more than \$150, worried the Finance Committee for a while.

Mott—That buggy is actually falling to pieces; it is a disgrace to the city, if not to Mr. Ott.

Schaffer—But you can get a mighty good buggy for \$150, rubber tires too.

Stetson—Maybe he ought to have an automobile.

The committee acted as if it thought Mr. Stetson did not mean it and ignored his suggestion.

Some one asked how old the buggy was or how long it had been in use by the department.

Mr. Rowe—It has been in use ever since I have been in the Council, to my certain knowledge.

That sealed the fate of the wonderful "one-horse chaise," the committee agreeing it must be superannuated and the resolution granting the Board of Public Works authority to purchase was recommended.

With reference to the increase of the salaries of the City Engineer and City Engineer, the committee thought it advisable to defer action until the tax levy was fixed.

The Ordinance Committee considered a resolution authorizing the City Engineer to enter upon a sanitary inspection to enter premises from which the existence of a zymotic disease had been reported, also to enter upon and inspect any and all premises which he had reason to believe were not in good sanitary condition through defective plumbing or otherwise.

The refusal of an owner to permit such inspection was to be a misdemeanor punishable by a fine not exceeding \$100.

City Attorney Dow reported on the ordinance, saying that it could be enforced.

But the committee, especially Chairman Taylor, balked at the idea of an Inspector free access to all buildings, private or otherwise. He thought it a privilege that might sometimes be abused.

Mr. Mott—An Inspector is presumed to use good judgment.

Chairman Taylor—But they don't always do it. In my opinion this ordinance should be returned to the Board of Health to insert an amendment making it the duty of the Inspector to report suspected premises to the health and receive directions to enter the premises.

The ordinance was referred to City Attorney Dow to be amended.

The City Attorney reported on the ordinance concerning advertising on fences, billboards or other structures, with an amendment providing for the erection of billboards over ten feet in height unless the same shall be placed at a distance from the line of the street exceeding the height of the billboard.

The amendment was accepted by the committee and the ordinance was recommended.

The ordinance proposes to impose a license tax on each square foot of the advertising space, instead of the general license of \$10 per quarter.

The applicant for a license must file with the collector a report of the location and area of the fence, board or structure on which he desires to place advertisements. It seemed to be the sense of the committee that it would be better to have the billboards removed from the city and away with billboard advertising altogether.

Mr. Mott—They are a nuisance and an eyesore.

Other members of the committee agreed with him, but it was a question of revenue for the city and the amount per square foot had to be fixed.

Mr. Upton—We might fix it at 1 cent per square foot as a basis to start from.

Mr. Mott—That is not excessive.

A board 10 feet by 10 feet would yield a revenue of \$10 per quarter.

Mr. Upton—I move that the rate be fixed at 1 cent per square foot and a quarter, and that the advertising companies be notified of the fact in order that they may appear before the Council and show cause, if they so desire, why that rate should not stand.

Seconded by Mott, accepted by the committee and the ordinance recommended to pass.

The ordinance prohibiting any person or assembly of persons to conduct any services or meetings, religious or secular, in the open air or on any public place, as to disturb the quiet and peaceful enjoyment of life by the community, and to make a violation of the ordinance punishable by a fine not exceeding \$100, was passed to print. This ordinance was adopted and aimed directly at the Salvation Army.

Then came the vexed question of providing quarters for fire engines in the Golden Gate district. The committee thought it would be all right by accepting the offer of a property owner, a Mr. Miller, in the Golden Gate district, to erect a building for a lot 45x122, and lease the same to the city for two years, at a monthly rental of \$100 per month. He would put a deed in escrow and the city would have the building for two years, at a monthly rental of \$85. That was the offer, or so he said, and it was suggested that it might be well not to give the City Attorney the details of the deal.

Now last night Mr. Dow came in and upset the whole plan. He told the committee that the proposed deal could not be carried out legally. That the city could not purchase property on the installment plan, but only by direct purchase; the only other way to acquire possession was by lease.

Mr. Mott—This looks to be a case where we might have dispensed with the services of the City Attorney. Now see what he has done.

Attorney Dow—The purchase on the installment plan is a serious question. At the expiration of the two years the parties or their heirs might claim that the city had no legal right to purchase in that manner; they could sue for the recovery of the deed, and you could prevent the recovery of it. I am not questioning their reliability or responsibility. I am only telling you of the legal question. At the expiration of the time any citizen could prevent the consummation of the deal in the same manner.

Mr. Mott—Could not one or more members of the city government make such a contract as private parties yet act as trustees for the city?

Mr. Dow—It would simply be an evasion.

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VIN MARIANI

Mariani Wine—World Famous Tonic
THE EVIDENCE submitted clearly proves that the medical profession as well as all who have used Vin Mariani pronounce it unequalled, absolutely reliable and safe. Can be taken with perfect confidence whenever a tonic restorative is required.
All Druggists. Refuse Substitutes.

UNION HIGH SCHOOL DISTRICT MAY BE ILLEGAL

Question Raised at a Meeting of the Supervisors.

Sanitary Sewers Must Not Interfere With County Thoroughfares.

At the meeting of the Supervisors this morning the question of allowing the Union High School Board \$2,000 for the maintenance of the Union High school in the section comprising Fruitvale, Walnut, Lockwood and Elmhurst districts, was brought up, and incidentally opposition to the granting of the request by Attorney Kinsey was made on the ground that the Board in question was an illegal one and he proposed to test the legality in the courts. He asked the Supervisors to inform him as to what action they proposed to take in the matter, so that he might know whether or not to get out an injunction to prevent the appropriation in question being mentioned. It was claimed, would represent a tax levy 5-6-10 on each \$100 of taxable property.

District Attorney Allen was present and said there were some grounds on which the legality of the formation of the Union High School Board of Trustees referred to could be questioned.

SIGNED THE APPLICATION.
The application was signed by A. C. Brendenmuhl of Fruitvale, Walter M. Axell of Dry, P. M. Loring of Walnut, W. D. Dwyer of Elmhurst, J. D. Luckwood and J. D. Luckwood of Elmhurst.

Mr. Talbot moved that the request be referred to the Superintendent of Schools in conjunction with the District Attorney and County Auditor, for a report.

There was an informal discussion of the subject by Roth and District Attorney Allen. Mr. Roth said that Mr. Church offered an amendment to the motion to the effect that the request be referred for in the original motion, but that the request of Kinsey that the appropriation be not made, be denied.

Mr. Mitchell said that he did not think that the Supervisors should be put in a position of denying the request until after the legal question had been settled. The Board of Trustees making it could be determined.

He added he would be satisfied to have the "denial" part of amendment withdrawn.

Mr. Church then withdrew his amendment and the original motion to refer to the Superintendent of Instruction, the District Attorney and Auditor was carried.

ROY'S BOND.
The bond of John A. Roy as poundmaster was accepted and the clerk was instructed to issue a writ of habeas corpus to order him to immediately set to work in his new position.

SEWERS ON COUNTY ROADS.
Manuel Alvarez of Hayward asked permission to dig a trench for a private sewer across the county road near that place. The matter was referred to Supervisor Roth said that people in his district were laying sewers in county roads under permission of the Sanitary Board of the district and that when those roads should be flooded the sewers would be higher than the road surface.

He asked District Attorney Allen as to whether the Sanitary Board had authority to give permits for the laying of sewers in the roads referred to.

Mr. Allen said that the matter would have to be governed by the State law which prohibited interference with public roads. He would increase their usefulness.

THE STATE LAW took precedence of the law governing Sanitary Boards and Sanitary Districts. If the sewers referred to had been interfered with the roads they could be removed.

HIGH SCHOOL MONEY.
Application for appropriations for maintenance of Union High school was made to the Judiciary Committee as follows: District No. 3, Hayward, \$5,000; District No. 1, Livermore, \$4,000; District No. 2, Union City, \$3,000.

The communication from the State Board of Equalization regarding railroad apportionment to this county was referred to the Judiciary Committee and the County Surveyor.

Adjourned until Tuesday next.

TENDER EMOTIONS AROUSED BY PLAYS

At the Dewey Theater last night there was an overflow audience to witness the excellent performance of "The Two Orphans," which is now being given nightly by the Stevens Stock Company. Every member in the cast was perfect in his or her lines. The misfortunes of "Henriette" and "Lola" caused tears to fall on the face of many of the auditors. The heroism of "Pierre," which was artistically displayed by Landers Stevens, brought down the house. The play is handsomely staged and deserves the patronage which it is receiving.

AT THE MACDONOUGH.
The production of Joaquin Miller's comedy-drama, "49," continues to draw large audiences at the Macdonough. The play is well presented and deserves the patronage which it is receiving.

Next week promises to be a banner week for the theater, as Maggie Moore, the celebrated Australian actress, has been engaged to give the pathos of "The Two Orphans," which is now being given nightly by the Stevens Stock Company.

The famous burlesque entitled "Tribble O'Farrell," Clifford Dempsey is to appear as "Stevenson."

THE Fraternal Brotherhood was tendered a benefit at the Macdonough Theater last evening. The affair was arranged by a committee composed of J. J. Naegle, N. Patton, Mrs. Emma S. Garrison, W. B. Greenbaum and Percy Young. Mr. Naegle estimates that the Brotherhood will realize about \$100 from the benefit.

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20 dozen Flannel Waists—latest. Fall styles on sale—Special..... 89c each

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100 dozen Ladies' Handkerchiefs in lace edges and Embroidered, hem-stitched edges, worth 25c. Special..... 15c
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240 Ladies' Satin Pleated Stock Collars in all the new colorings. Special..... 15c each
120 Ladies' Combination Velvet and Satin Stock Collars, (the very latest). Special..... 25c each

RIBBONS
No extra charge for making bows at the counter.
Number 40 All Silk Moire Ribbon, Best quality in the latest shades. Special..... 22c yd.
Our 2c Quality Fancy Silk Ribbons in dainty stripes and plaids. Special..... 17c yd.

MEN'S FURNISHINGS
150 Men's Colored Golf Shirts with Link Cuffs to match, (a good dollar shirt). Special..... 50c each

EXTRAS
21 Navy Blue Polka Dot Duck Skirts, worth \$1.50. Special..... 75c
21 Navy Blue Duck Skirts trimmed with white duck, worth \$1.25. Special..... 65c
What's left of our \$5.00, \$6.00 and \$7.00 Summer jackets. Special \$3.95
One lot of Shirt Waists, worth 50c and 75c. Special..... 25c
One lot of Shirt Waists, worth \$1.00. Special..... 50c
One lot of Shirt Waists, worth \$1.25. Special..... 65c
One lot of Shirt Waists, worth \$1.50. Special..... 75c
One lot of Shirt Waists, worth \$1.75 and \$2.00. Special..... 85c
One lot of Derby Waists, worth \$1.50 and \$3.00. Special..... 95c

MILLINERY
150 Fancy Dulle Walking Hats, assorted shapes. Special..... 25c

MUSLIN UNDERWEAR
45 Ladies' Good Quality Gowns, nicely trimmed, worth 75c. Special..... 48c
60 Ladies' Gowns, elegantly trimmed, worth \$1.00. Special..... 85c
120 Ladies' Flannelette Gowns, yoke back and front..... 55c

KNITTED UNDERWEAR
A broken line of Ladies' Natural Wool Vests and Drawers, regular 75c and 50c. Special..... 35c
Ladies' Lisle Thread Vests, high low neck, colors white, ecru, pink, blue, worth 35c. Special..... 25c
A perfect fitting Combination Union Suit in grey. Special..... 50c each

HOSIERY
240 pairs Ladies Black Cotton Hose, double heels and toes with ribbed tops. Special..... 12c pair
10 dozen Ladies' Maco Cotton Hose with split white feet. Special 25c pair
20 dozen Children's Durable Fast Black Cotton Hose, double knees. Special..... 10c pair

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New import of 1200 pair Genuine Mitten Gloves. Nothing in Oakland equal to it for \$1.25 pair, blacks, browns, blues, tans, modes, reds, greens, blues, butter and white. On Sale at..... 95c pair
Two clasp Camille Glove, regular 85c value. Special..... 75c pair

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MILLMEN CLAIM ANOTHER MILL

Think They Have Every Show of Winning the Big Strike.

The Millmen's Union claims to be steadily gaining ground against the millowners and report that another mill, that of Voligt & Vayhle in San Francisco has acceded to the request for eight hours and is now running on that schedule. This increases the number of fair mills to ten. A crew of union men left San Francisco today to add to the working force of the Stockton mill that has lately adopted the eight hour day.

The mill owners are laying great stress on the report that the Millmen's Union has declared the material from the Santa Clara mill "fair" notwithstanding the fact that it is a nine-hour mill.

The Union says it is a business regulation that one made to meet an emergency. However it is a matter of doubt into which the Union does not care to discuss publicly but it is reported on good authority that it was done to relieve the contractors who are clamoring for cash and doors. It is said that the California Sash and Door Factory in San Francisco is a ten hour mill and therefore under the ban. That it is working short handed and union men will not handle material from the Santa Clara crew is said to be a union grievance and the permission was granted had not been declared "unfair." However as soon as the situation is relieved the permission will be revoked.

P. H. McCarthy, president of the San Francisco Building Trades says there is now over \$100,000 in the treasuries of the twenty-eight organizations affiliated with the Building Trades of which every cent will go into the millmen's fight if it is needed. In addition to this cash fund members will be assessed from 25 cents per day to \$1.75 per week until the trouble is over.

Resolved, that all mills which were notified prior to May 20th that on August 1st the eight-hour day would be required and are now working over eight hours per day, to be declared unfair, and we hereby refuse to handle, place or work on any building where said unfair mill work constitutes a part of the structure."

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Crown Combination Fountain Syringes
2 qts regular \$1.75 size..... \$1.40
3 " " 2.00 "..... 1.50
4 " " 2.25 "..... 1.60

Goodyear Family Syringes
Regular \$1.00..... 60c
" 75c..... 35c

Fountain Syringes
2 qts regular 90c size..... 55c
3 " " 1.00 "..... 60c

Bath Cabinets
Buckeye regular \$6.00..... 4.00
Quaker " \$6.00..... 4.00

FARRINGTON NOMINATED.

Nevada Republicans Name Him for Congress.

VIRGINIA, Nev., August 31.—The Republican State Convention closed its session at midnight last night. E. S. Farrington of Eiko was nominated for Congressman from the Nevada Second District; Simon Bray, of Austin, D. B. Lyman of Reno, and Ernest Strother of Virginia City, for Presidential Electors.

George Turrittin of Reno and Mark Averill of Virginia City for University Regents.

The platform congratulates Republicans on the bright outlook for success in November, endorses the administration of McKinley, protests against the surrender of the Philippines, favors a protective tariff, storage reservoirs, the largest use of silver as a money metal compatible with the best interests of our government, condemns the existence of all combinations of capital known as trusts, demands an amendment to the constitution, opposes lottery amendment, demands the repeal of the prize fight law, condemns the repeal of the Purty of Election law, declares for an eight-hour working day in the State and municipal work, in mills and mines, demands that public school funds be protected and condemns the present State administration for creating useless offices with which to reward its supporters.

No one need suffer from Indigestion or Dyspepsia. The Bitters is a sure cure for these, as well as for Nervousness, Sleeplessness, Flatulency,

CORBETT WINS IN FIFTH ROUND.

M'Coy Not in the Fight After the First Round.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
NEW YORK, Aug. 31.—The spectacle presented in the ring at the Twenty-first Century Club in Madison Square Garden last night, when James J. Corbett, former champion fighter of the world, and Kid McCoy met to fight for a share of the prize receipts, which according to Jim Kennedy, the manager of the club, amounted to \$75,000 and were larger by thousands than the receipts at any other prize ring contest ever held, was a clean-cut smashing affair. There were two stages to the fight.

One of them was the first round, in which McCoy was the aggressor and in which he seemed to hold Corbett safe, out-pointing and outfighting from going to ground. Thereafter there was nothing to it at all. In the second round the former champion, instead of playing a waiting game, began to aggress and soon had McCoy guessing as to what would happen next. It was not the blow on the jaw that affected McCoy. The body punches laid him low. Always susceptible to a blow in any part of his anatomy, McCoy has been peculiarly susceptible to body blows. Corbett knocked him out in the fifth round.

At the ring there were men from Chicago and Cincinnati, San Francisco and Denver, St. Louis and St. Paul, Buffalo and Atlanta. From all points they came, the chief cities of America being well represented.

McCoy's defeat removes him from the ranks of the heavyweights who are ambitious to wrest the title of champion from Jim Jeffries.

Corbett came out of the ring without a mark or scratch or bruise on him. McCoy's face was purple and swollen and his right eye was discolored. But otherwise he seemed to be none the worse for his battle.

Butting on the fight was very tame. It was expected that the heavy weights would be placed at the ringside, but the McCoy money did not materialize. Corbett was a pronounced favorite from the start. Adversity seemed to want the Corbett end.

PRODUCE MARKET.

SPOT WHEAT—Shipping, \$1.05; milling, \$1.04 1/2.

WHEAT—No. 1 and 2, 65¢ to 70¢ off grades; shipping and milling, 72¢ to 75¢; Chevalier, nominal.

WHEAT—No. 1, 1.02 1/2; No. 2, 1.01 1/2; No. 3, 1.00 1/2; No. 4, 99¢; No. 5, 98¢; No. 6, 97¢; No. 7, 96¢; No. 8, 95¢; No. 9, 94¢; No. 10, 93¢; No. 11, 92¢; No. 12, 91¢; No. 13, 90¢; No. 14, 89¢; No. 15, 88¢; No. 16, 87¢; No. 17, 86¢; No. 18, 85¢; No. 19, 84¢; No. 20, 83¢; No. 21, 82¢; No. 22, 81¢; No. 23, 80¢; No. 24, 79¢; No. 25, 78¢; No. 26, 77¢; No. 27, 76¢; No. 28, 75¢; No. 29, 74¢; No. 30, 73¢; No. 31, 72¢; No. 32, 71¢; No. 33, 70¢; No. 34, 69¢; No. 35, 68¢; No. 36, 67¢; No. 37, 66¢; No. 38, 65¢; No. 39, 64¢; No. 40, 63¢; No. 41, 62¢; No. 42, 61¢; No. 43, 60¢; No. 44, 59¢; No. 45, 58¢; No. 46, 57¢; No. 47, 56¢; No. 48, 55¢; No. 49, 54¢; No. 50, 53¢; No. 51, 52¢; No. 52, 51¢; No. 53, 50¢; No. 54, 49¢; No. 55, 48¢; No. 56, 47¢; No. 57, 46¢; No. 58, 45¢; No. 59, 44¢; No. 60, 43¢; No. 61, 42¢; No. 62, 41¢; No. 63, 40¢; No. 64, 39¢; No. 65, 38¢; No. 66, 37¢; No. 67, 36¢; No. 68, 35¢; No. 69, 34¢; No. 70, 33¢; No. 71, 32¢; No. 72, 31¢; No. 73, 30¢; No. 74, 29¢; No. 75, 28¢; No. 76, 27¢; No. 77, 26¢; No. 78, 25¢; No. 79, 24¢; No. 80, 23¢; No. 81, 22¢; No. 82, 21¢; No. 83, 20¢; No. 84, 19¢; No. 85, 18¢; No. 86, 17¢; No. 87, 16¢; No. 88, 15¢; No. 89, 14¢; No. 90, 13¢; No. 91, 12¢; No. 92, 11¢; No. 93, 10¢; No. 94, 9¢; No. 95, 8¢; No. 96, 7¢; No. 97, 6¢; No. 98, 5¢; No. 99, 4¢; No. 100, 3¢; No. 101, 2¢; No. 102, 1¢; No. 103, 1/2¢; No. 104, 1/4¢; No. 105, 1/8¢; No. 106, 1/16¢; No. 107, 1/32¢; No. 108, 1/64¢; No. 109, 1/128¢; No. 110, 1/256¢; No. 111, 1/512¢; No. 112, 1/1024¢; No. 113, 1/2048¢; No. 114, 1/4096¢; No. 115, 1/8192¢; No. 116, 1/16384¢; No. 117, 1/32768¢; No. 118, 1/65536¢; No. 119, 1/131072¢; No. 120, 1/262144¢; No. 121, 1/524288¢; No. 122, 1/1048576¢; No. 123, 1/2097152¢; No. 124, 1/4194304¢; No. 125, 1/8388608¢; No. 126, 1/16777216¢; No. 127, 1/33554432¢; No. 128, 1/67108864¢; No. 129, 1/134217728¢; No. 130, 1/268435456¢; No. 131, 1/536870912¢; No. 132, 1/1073741824¢; No. 133, 1/2147483648¢; No. 134, 1/4294967296¢; No. 135, 1/8589934592¢; No. 136, 1/17179869184¢; No. 137, 1/34359738368¢; No. 138, 1/68719476736¢; No. 139, 1/137438953472¢; No. 140, 1/274877906944¢; No. 141, 1/549755813888¢; No. 142, 1/1099511627776¢; No. 143, 1/2199023255552¢; No. 144, 1/4398046511104¢; No. 145, 1/8796093022208¢; No. 146, 1/17592186044416¢; No. 147, 1/35184372088832¢; No. 148, 1/70368744177664¢; No. 149, 1/140737488355328¢; No. 150, 1/281474976710656¢; No. 151, 1/562949953421312¢; No. 152, 1/1125899906842624¢; No. 153, 1/2251799813685248¢; No. 154, 1/4503599627370496¢; No. 155, 1/9007199254740992¢; No. 156, 1/18014398509481984¢; No. 157, 1/36028797018963968¢; No. 158, 1/72057594037927936¢; No. 159, 1/144115188075855872¢; No. 160, 1/288230376151711744¢; No. 161, 1/576460752303423488¢; No. 162, 1/1152921504606846976¢; No. 163, 1/2305843009213693952¢; No. 164, 1/4611686018427387904¢; No. 165, 1/9223372036854775808¢; No. 166, 1/18446744073709551616¢; No. 167, 1/36893488147419103232¢; No. 168, 1/73786976294838206464¢; No. 169, 1/147573952589676412928¢; No. 170, 1/295147905179352825856¢; No. 171, 1/590295810358705651712¢; No. 172, 1/1180591620717411303424¢; No. 173, 1/2361183241434822606848¢; No. 174, 1/4722366482869645213696¢; No. 175, 1/9444732965739290427392¢; No. 176, 1/18889465931478580854784¢; No. 177, 1/37778931862957161709568¢; No. 178, 1/75557863725914323419136¢; No. 179, 1/151115727451828646838272¢; No. 180, 1/302231454903657293676544¢; No. 181, 1/604462909807314587353088¢; No. 182, 1/1208925819614629174706176¢; No. 183, 1/2417851639229258349412352¢; No. 184, 1/4835703278458516698824704¢; No. 185, 1/9671406556917033397649408¢; No. 186, 1/19342813113834066795298816¢; No. 187, 1/38685626227668133590597632¢; No. 188, 1/77371252455336267181195264¢; No. 189, 1/154742504910672534362390528¢; No. 190, 1/309485009821345068724781056¢; No. 191, 1/618970019642690137449562112¢; No. 192, 1/1237940039285380274899242224¢; No. 193, 1/2475880078570760549798484448¢; No. 194, 1/4951760157141521099596968896¢; No. 195, 1/9903520314283042199193937792¢; No. 196, 1/19807040628566084398387875584¢; No. 197, 1/39614081257132168796775751168¢; No. 198, 1/79228162514264337593551502336¢; No. 199, 1/158456325028528675187103004672¢; No. 200, 1/316912650057057350374206009344¢; No. 201, 1/633825300114114700748412018688¢; No. 202, 1/1267650600228229401496824037376¢; No. 203, 1/2535301200456458802993648074752¢; No. 204, 1/5070602400912917605987296149504¢; No. 205, 1/10141204801825835211974592299008¢; No. 206, 1/20282409603651670423949185798016¢; No. 207, 1/40564819207303340847898371596032¢; No. 208, 1/81129638414606681695796743192064¢; No. 209, 1/16225927682921336389153486384128¢; No. 210, 1/32451855365842672778306972768256¢; No. 211, 1/64903710731685345556613945536512¢; No. 212, 1/1298074214633706911132278110720256¢; No. 213, 1/2596148429267413822264556221440512¢; No. 214, 1/5192296858534827644529112442881024¢; No. 215, 1/10384593717069655289058224845762048¢; No. 216, 1/20769187434139310578116449691524096¢; No. 217, 1/41538374868278621156232899383048192¢; No. 218, 1/83076749736557242312465798766096384¢; No. 219, 1/16615349947311448462493159532192768¢; No. 220, 1/33230699894622896924986319064385536¢; No. 221, 1/6646139978924579384997263812877072¢; No. 222, 1/13292279957849158769994527625754144¢; No. 223, 1/26584559915698317539989055251508288¢; No. 224, 1/53169119831396635079978110503016576¢; No. 225, 1/106338239662793270159956221006033152¢; No. 226, 1/212676479325586540319912442012066304¢; No. 227, 1/425352958651173080639824884024132608¢; No. 228, 1/850705917302346161279649768048265216¢; No. 229, 1/1701411834604692322559299536095310432¢; No. 230, 1/3402823669209384645118599072190620864¢; No. 231, 1/6805647338418769290237198144381241728¢; No. 232, 1/13611294676837538580474396288762483456¢; No. 233, 1/27222589353675077160948792577524966912¢; No. 234, 1/54445178707350154321897585155049933824¢; No. 235, 1/108890357414700308643795170310099867648¢; No. 236, 1/217780714829400617287590340620199735296¢; No. 237, 1/435561429658801234575180681240399470592¢; No. 238, 1/871122859317602469150361362480798941184¢; No. 239, 1/1742245718635204938300722724961577882368¢; No. 240, 1/3484491437270409876601445449923155764736¢; No. 241, 1/6968982874540819753202890899846311529472¢; No. 242, 1/13937965749081639506405781799692623058944¢; No. 243, 1/27875931498163279012811573599385246117888¢; No. 244, 1/5575186299632655802562314719877049235776¢; No. 245, 1/11150372599265311605124629439754098471552¢; No. 246, 1/22300745198530623210249258879508196943008¢; No. 247, 1/44601490397061246420498517759016393886016¢; No. 248, 1/89202980794122492840997035518032787772032¢; No. 249, 1/178405961588244985681994071036655755544064¢; No. 250, 1/35681192317648997136398814207331151088912¢; No. 251, 1/71362384635297994272797628414662302177824¢; No. 252, 1/14272476927059598854559525682932460435536¢; No. 253, 1/28544953854119197709119051365864920871072¢; No. 254, 1/57089907708238395418238102731729841742144¢; No. 255, 1/114179815416476790836476205463459683484288¢; No. 256, 1/228359630832953581672952410926919366968576¢; No. 257, 1/456719261665907163345904821853838733937152¢; No. 258, 1/91343852333181432669180964370767746787424¢; No. 259, 1/182687704666362865338361928741535493574848¢; No. 260, 1/365375409332725730676723857483070987149696¢; No. 261, 1/730750818665451461353447714966141974299392¢; No. 262, 1/146150163733090292270689542993228388958688¢; No. 263, 1/292300327466180584541379085986456777917376¢; No. 264, 1/584600654932361169082758171972913555834752¢; No. 265, 1/1169201309864722338165516343745827111668928¢; No. 266, 1/2338402619329444676331032687491654223337856¢; No. 267, 1/4676805238658889352662065374983308446675712¢; No. 268, 1/9353610477317778705324130749966616933351424¢; No. 269, 1/1870722095463555741064826149993333386670288¢; No. 270, 1/3741444190927111482129652299986667733340576¢; No. 271, 1/7482888381854222964259304599973335466681152¢; No. 272, 1/14965776763708449288518609199946733311322304¢; No. 273, 1/2993155352741689857703721839989346622626608¢; No. 274, 1/5986310705483379715407443679978693452453216¢; No. 275, 1/1197262141096675943081488735995738690490632¢; 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